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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 **TRACYE BENARD WASHINGTON,**

14 Plaintiff,

15 v.

16 **J. SERRATO, et al. ,**

17 Defendants.
18
19

5:22-cv-05832-BLF

**DEFENDANTS' WAIVER OF REPLY;
DEMAND FOR JURY TRIAL**

Judge: The Honorable Beth Labson
Freeman

Trial Date: December 7, 2026

Action Filed: October 7, 2022

20 TO PLAINTIFF TRACYE BENARD WASHINGTON, AND HIS ATTORNEYS OF
21 RECORD:

22 **PLEASE TAKE NOTICE** that Defendants A. Serrato, C. Diaz, and B. Akins waive their
23 right to reply to the Amended Complaint. Under 42 U.S.C. § 1997e(g), any defendant may waive
24 the right to reply to a lawsuit brought by an incarcerated person. The statute provides:

25 Any defendant may waive the right to reply to any action brought by a prisoner confined in
26 any jail, prison, or other correctional facility under section 1983 of this title or any other Federal
27 law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an
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admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

42 U.S.C. § 1997e(g)(1). But a district court “may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.” 42 U.S.C. § 1997e(g)(2).

Here, the Court has not made a finding that Plaintiff has a reasonable opportunity to prevail on the merits.

DEMAND FOR JURY TRIAL

Under Federal Rule of Civil Procedure 38(b) and Northern District of California Civil Local Rule 3-6, Defendants also demand a trial by jury in this case.

Dated: January 12, 2026

Respectfully submitted,

ROB BONTA
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/s/ Ryan T. Gille
RYAN T. GILLE
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CERTIFICATE OF SERVICE

Case Name: *Washington, Tracye v. J.
Serrato, et al.*

No. **5:22-cv-05832-BLF**

I hereby certify that on January 12, 2026, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

DEFENDANTS' WAIVER OF REPLY; DEMAND FOR JURY TRIAL

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on January 12, 2026, at San Francisco, California.

M. Paredes
Declarant

/s/ M. Paredes
Signature

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